

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION**

Present:

The Hon'ble Justice Ajay Kumar Gupta

C.O. No. 82 of 2026

SREE BRINDABAN RICE MILLS & ORS.

Versus

STATE BANK OF INDIA & ANR.

For the Petitioners : Mr. Dwarika Nath Mukherjee, Adv.
Mr. Suman Saha, Adv.
Mr. Ratul Biswas, Adv.

For the Opposite Parties : Mr. Debanjan Chakraborty, Adv.
Mr. Saptarshi Kar, Adv.
Mr. Subham Ghosh, Adv.

Heard on : 08.07.2026

Judgment on : 10.07.2026

Uploaded on : 10.07.2026

Ajay Kumar Gupta, J.:-

1. This instant Revisional application has been filed by the petitioners challenging the Order No. 29 dated 26.03.2026 passed by the Learned Presiding Officer, Debts Recovery Tribunal (in short 'DRT'), Siliguri in IA/177/2026 arising out of SA/71/2023 thereby affirmed the order dated 29.01.2026 passed by the Learned District Magistrate, Uttar Dinajpur under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the said Act').

2. The relevant facts are essential for the purpose of disposal of this case, are as follows: -

2a. Petitioners have filed an application under Section 17 of the said Act being SA No. 71 of 2023 challenging the purported action taken by the opposite parties/secured creditor and same is pending before the DRT, Siliguri for adjudication.

2b. During pendency of the said application, the petitioners collected an order dated 29.01.2026 passed under Section 14 of the said Act by the learned District Magistrate, Uttar Dinajpur and, after going through the said order, petitioners came to learn that the DM, without recording his satisfaction in terms of nine (9) points affidavit, requested the SP, Raiganj, Uttar Dinajpur to provide police assistance to the secured creditor, who was authorised to take possession of the

secured assets. The said order was passed by DM against and contrary to the provision of Section 14 of the said Act and the Rules, 2002.

2c. Immediately, the petitioners approached to the DRT by filing an interim application being IA/177/2026 challenging the said order dated 29.01.2026 passed by the DM under Section 14 of the said Act. The opposite parties filed their written objection to the said IA on 12th March, 2026 and copy of the same was served on the same date but without giving opportunity to the petitioners to file reply or rejoinder to the same, hearing was concluded and directed to file written notes of argument. As per the petitioners, the DRT, finally, rejected the IA application on 23.06.2026 after violating the principle of natural justice and also erred in appreciating the facts and law while deciding the application filed by the petitioners and committed serious dereliction of the duty. Hence, this application.

3. Learned counsel appearing on behalf of the petitioners submitted that the learned Presiding Officer, DRT did not give any opportunity to the petitioners to file reply or rejoinder to the written objection filed by the opposite parties despite request made by the learned counsel. The learned DRT has also violated the principle of natural justice by not affording an opportunity of hearing to the learned counsel for the petitioners and concluded the hearing on the

same day i.e. 12.03.2026 by directing the parties to file written notes of argument although the written objection has been filed and served upon the petitioners on the same date.

4. It was further submitted that the learned DRT did not consider even the written notes of argument filed by the petitioners wherein the petitioners specifically asked for granting opportunity to file reply or rejoinder to the written objection filed by the opposite parties. It was further mentioned that the opportunity should have given to the learned counsel for the petitioners to place the case before the learned DRT. But, without granting such opportunity, ultimately, the DRT rejected the application without applying his judicious mind that the DM did not follow the provision of Section 14 of the said Act and Rules thereof in letter and spirit, while allowing the application for taking possession of the secured assets by the secured creditor. The learned DRT wholly ignored the provision of Section 14 of the said Act and Rules framed thereof. As such, the petitioners suffered serious injustice. He prays for setting aside the impugned order dated 26.03.2026 passed by the Learned DRT as well as order dated 29.01.2026 passed by the DM as the said order is not sustainable in the eyes of law, otherwise the petitioners would suffer irreparable loss and injury.

5. Learned counsel has placed reliance upon several judgments to support of his contention that while passing the order for taking over the possession of the secured asset u/s 14 of the said Act, the DM is required to follow the provision of Section 14 of the said Act by indicating in the order that he is fully satisfied with the nine (9) points affidavits submitted by the applicant, as under:-

i. Shalini Shyam Shetty and Anr. Vs. Rajendra Shankar Patil¹;

ii. Standard Chartered Bank Vs. V. Noble Kumar and Ors. WITH Senior Manager, State Bank of India and Anr. Vs. R. Shiva Subramaniyan and Anr.²;

iii. Krishna Builders and Developers and Anr. Vs. Shriram Housing Finance Limited and Anr.³;

iv. Pratima Roy & Anr. Vs. Union of India & Ors.⁴;

v. M/s. Swastyayan Agro Industries & Anr. Vs. Union of India & Ors.⁵;

6. On the other hand, learned counsel appearing on behalf of the opposite parties vehemently opposed the prayer of the learned counsel appearing on behalf of the petitioners for setting aside the impugned order dated 26.03.2026 passed by the learned DRT and the order dated 29.01.2026 passed by the DM.

¹ (2010) 8 SCC 329; 2010 SCC OnLine SC 771;

² (2013) 9 SCC 620;

³ 2019 SCC OnLine Cal 342;

⁴ 2014 SCC OnLine Cal 4275

⁵ 2014 SCC OnLine Cal 15877; (2014) 4 Cal LT 474;

7. It was further submitted that the civil revision against the order of learned DRT is not maintainable because any rejection order in a proceeding falls under the said Act ought to be filed statutory appeal. The said Act is complete code in itself to deal with the disputes involved amongst the borrower, guarantor, secured creditor and those who connected with the secured assets. The petitioners could have filed the appeal as per specific statute against the order of rejection of an interim application being IA/177/2026 arising out of SA/71/2023. The petitioners filed this revisional application only to avoid statutory provision of appeal as because the Petitioners had to pay statutory deposit at the time of filing appeal. Therefore, the instant revisional application should be rejected in limini.

8. It was further submitted that secured assets have already been sold and issued sale certificate and possession in favour of the auction purchaser, when the petitioners failed to pay the loan and/or further the sale price i.e. more than six crores.

9. While deciding the interim application filed by the petitioners, the learned DRT has given ample opportunity of hearing on the date fixed i.e. on 12th March, 2026 and further given opportunity to file written notes of argument by the parties. The petitioners had filed written notes of argument without any demur. Therefore, contention of the petitioners is incorrect that the learned DRT did not give an

opportunity of hearing. The conduct of the petitioners is mala fide and bad only to drag the proceedings for their illegal purpose. The conduct of the petitioners should not be appreciated, when huge public money is involved and admittedly they are the defaulters of loan.

10. The learned DRT rejected the application filed by the petitioners on merits upon hearing the parties. If the petitioners are feeling aggrieved, then they may approach appellate forum by filing an appeal upon deposit of statutory amount. But, they bypassed the same, as such, they did not suffer substantial prejudice or injustice. Therefore, the order impugned passed by the learned DRT should not be interfered with under Article 227 of the Constitution of India.

11. Learned counsel representing the opposite parties has placed reliance on several judgments in support of his contention that the power of High Court under Article 227 of the Constitution of India is supervisory in nature and High Court should not act as a court of appeal or a court of error. When there is a specific provision of appeal against the order of learned DRT, then the same cannot be entertained or threshed out in civil revision. Those judgments are as under: -

i. Authorised Officer, State Bank of Travancore and Anr. Vs. Mathew K.C.⁶;

ii. Ranjan Kumar Paul & Anr. Vs. State Bank of India & Ors.⁷;

iii. P. Suresh Vs. D. Kalaivani and Ors.⁸;

iv. United Bank of India Vs. Satyawati Tondon and Ors.⁹;

v. Ranjan Kumar Paul & Anr. Vs. The State Bank of India & Ors.¹⁰.

12. Heard the arguments of the rival parties and upon perusal of the orders passed by the learned DRT on 12.03.2026 and 26.03.2026 and the written arguments filed by the petitioners, this Court finds the learned Tribunal, while disposing of the application, did not allow time to file reply or rejoinder to the objection filed by the opposite parties/secured creditor, when the copy was served i.e. on 12th March, 2026.

13. It further appears that the learned Tribunal also ignored the written notes of arguments, where the petitioners specifically prayed for seeking opportunity to file reply or rejoinder to the written objection and passed the impugned order. The proper opportunity of hearing was not given to the learned counsel for the petitioners. The

⁶ (2018) 3 SCC 85 : 2018 SCC OnLine SC 55;

⁷ Misc. Appl. Dy No. 1424 of 2025 Order No. 10 dated 17.06.2026;

⁸ 2026 SCC OnLine SC 143;

⁹ (2010) 8 SCC 110 : 2010 SCC OnLine SC 776;

¹⁰ C.O. No. 3556 of 2025 order dated 17.11.2025.

learned DRT has not only violated the principles of natural justice by not affording opportunity to file reply or rejoinder to the written objection of the opposite parties but also failed to address on the specific settled legal issues raised by the petitioners as laid down by the Hon'ble Courts in plethora of judgment and, thus, committed serious dereliction of duty. In such circumstances, this Court has ample power to interfere with the impugned order to protect the interest of justice in the present application.

14. It apparently appears on record that the learned DRT passed the impugned order on surmises and conjectures as such, the impugned order is palpably and patently illegal. It calls for interference.

15. Accordingly, the impugned order dated 26.03.2026 passed by the Learned DRT is set aside with a direction to the learned DRT, Siliguri to give reasonable time to file reply or rejoinder to the written objection filed by the opposite parties, to the petitioners and, thereafter, hear the matter after affording an opportunity of hearing and decide the IA/177/2026 as expeditiously as possible in accordance with law.

16. It is clarified that this Court does not enter into the merits of the case, whether the DM passed correct or incorrect order and/or did not follow the provision under Section 14 of the said Act and

Rules thereof for taking over the possession of secured assets. It is further clarified that learned DRT would dispose of the said application without being influenced by the observations whatsoever made hereinabove.

17. Accordingly, **C.O. No. 82 of 2026** is **allowed** without order as to costs.

18. All connected applications, if any, stand disposed of. Interim order, if any, stands vacated.

19. Let a copy of this judgment be forwarded to the learned DRT, Siliguri for information and taking necessary action.

20. All parties shall act on the server copy of this judgment duly downloaded from the websites of the Hon'ble High Court.

21. Urgent Photostat copy of this Judgment be given to the parties upon compliance of all legal formalities.

(AJAY KUMAR GUPTA, J.)